

AUG 14 1998

IN THE MATTER OF:

DOCKET NUMBER: 98-00185

[REDACTED]
[REDACTED]
] SEL [REDACTED]

HEARING DESIRED: YES

Applicant requests that his administrative discharge be changed to a disability discharge. Applicant's submission is at Exhibit A.

The appropriate Air Force offices evaluated applicant's request and provided advisory opinions to the Board recommending the application be denied (Exhibit C). The advisory opinions were forwarded to the applicant for review and response (Exhibit D). As of this date, no response has been received by this office.

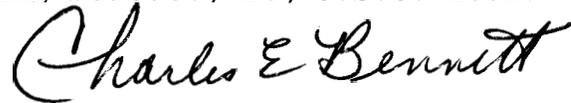
After careful consideration of applicant's request and the available evidence of record, we find insufficient evidence of error or injustice to warrant corrective action. The facts and opinions stated in the advisory opinions appear to be based on the evidence of record and have not been rebutted by applicant. Absent persuasive evidence applicant was denied rights to which entitled, appropriate regulations were not followed, or appropriate standards were not applied, we find no basis to disturb the existing record.

Accordingly, applicant's request is denied.

The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

The Board staff is directed to inform applicant of this decision. Applicant should also be informed that this decision is final and will only be reconsidered upon the presentation of new relevant evidence which was not reasonably available at the time the application was filed.

Members of the Board Mr. Charles E. Bennett, Mr. Loren S. Perlstein, and Ms. Peggy E. Gordon considered this application on 6 August 1998, in accordance with the provisions of Air Force Instruction 36-2603, and the governing statute, 10, U.S.C. 1552.



CHARLES E. BENNETT
Panel Chair

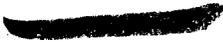
Exhibits:

- A. Applicant's DD Form 149
- B. Available Master Personnel Records
- C. Advisory Opinions
- D. AFBCMR Ltr Forwarding Advisory Opinions

14 April 1998
98-00185

MEMORANDUM FOR AFBCMR

FROM: BCMR Medical Consultant
1535 Command Drive, EE Wing, 3rd Floor
Andrews AFB MD 20762-7002

SUBJECT: Application for Correction of Military Records 

This application is not filed in a timely manner, 18 years having passed since the applicant was discharged.

REQUESTED ACTION: The applicant was discharged for unsuitability under provisions of AFR 39-10, Section B, Chapter 3, paragraph 3-81 on 7 August 1979 after serving 1 year, 2 months, and 18 days on active duty. He applies now to change his discharge to a physical disability discharge based on problems he has encountered since his discharge.

FACTS: The applicant states he was treated for mental problems while in the Air Force, but review of available records shows that he was seen only on 2 occasions in the mental health clinic on 12 and 13 July 1979 while undergoing administrative separation procedures. No diagnosis was rendered, and the applicant's discharge process continued to completion. In the years after his discharge, he came under care with the Department of Veterans Affairs who found no service-connected association for his development of Chronic Paranoid Schizophrenia which has been treated since on/about 1989 or possibly 1986. Nowhere in the records is found any reference to treatment for mental health problems while the applicant was in the Air Force.

DISCUSSION: The applicant's claim that he suffered from mental health problems while in the military is not borne out in a careful review of his service records. There can be no consideration of a disability claim unless evidence is found that a significant medical or psychiatric problem existed while an individual was a member of the armed forces. No such evidence is found in this record, and, therefore, the applicant's request for a disability discharge cannot be granted.

RECOMMENDATION: The BCMR Medical Consultant is of the opinion that the applicant's request for a medical disability discharge is not supported by evidence of records and his request should, therefore, be denied.

(SIGNED)

FREDERICK W. HORNICK, Col., USAF, MC, FS
Chief Medical Consultant, AFBCMR
Medical Advisor SAF Personnel Council



9800185

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE PERSONNEL CENTER
RANDOLPH AIR FORCE BASE, TEXAS

14 May 98

MEMORANDUM FOR AFBCMR

FROM: HQ AFPC/DPPD
550 C Street West Ste 06
Randolph AFB TX 78150-4708

SUBJECT: Application for Correction of Military Records [REDACTED]
[REDACTED]

REQUESTED ACTION: Applicant requests that his administrative discharge issued in 1979 (Under Honorable Conditions) for unsuitability be changed to a disability discharge.

FACTS: Applicant was involuntarily separated from the Air Force on 7 Aug 79 for unsuitability for numerous disciplinary infractions under the provisions of AFR 39-10. Member completed one year, two months, and eighteen days of active duty on his initial enlistment. Member's application is considered untimely under the statute of limitations.

DISCUSSION: The purpose of the military disability system is to maintain a fit and vital force by separating members who are unable to perform the duties of their office, grade, rank or rating. Members who are separated or retired for reason of physical disability may be eligible, if otherwise qualified, for certain disability compensations. Eligibility for disability processing is established by a Medical Evaluation Board (MEB) when that board finds that the member may not be qualified for continued military service. The decision to conduct an MEB is made by the medical treatment facility providing care to the member.

We carefully reviewed the AFBCMR application and verify that the applicant was never referred to or considered by the Air Force Disability Evaluation System under the provisions of AFM 35-4. During the member's psychiatric evaluation on 12-13 Jul 79, in the Mental Health Clinic at [REDACTED] Hospital, it was noted that "the patient has no medical disease or condition to warrant disposition through medical channels. Any action should be taken under the appropriate administrative directive."

After a thorough review of the applicant's case file, we found no errors or irregularities that would justify the changing of his records to reflect a disability discharge. The medical aspects of this case are explained by the Medical Consultant; we agree with his advisory.

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